

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

STATUS CONFERENCE

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|------------------------------------|---|-----------------------------------|
| In Re: Levaquin Products Liability |) | COURT MINUTES |
| Litigation, |) | BEFORE: John R. Tunheim |
| |) | U.S. District Judge |
| Plaintiff, |) | |
| |) | Case No: 08-1943 JRT |
| v. |) | Date: December 13, 2013 |
| |) | Deputy: Heather Arent-Zachary |
| |) | Court Reporter: Kristine Mousseau |
| |) | Time Commenced: 4:25 p.m. |
| Defendant. |) | Time Concluded: 4:45 p.m. |
| |) | Time in Court: 20 Minutes |

Hearing on: Status Conference

1. Status of Cases for Remand

Defense counsel reported that there are 73 cases in the MDL that are currently likely to be subject to remand. Of these cases, 9 have stipulated to remand, 35 involve plaintiffs who have affirmatively rejected settlement offers, and 28 are cases in which defendants have made repeated settlement offers and have not received any communication from the plaintiffs' attorneys.

The Court agreed that it would entertain a proposed order to show cause as to the 28 cases in which settlement offers remain outstanding and defense counsel has been unable to contact counsel for plaintiffs. Failure to respond to such an order within thirty days will result in the dismissal of those cases for failure to prosecute.

Once defense counsel has identified the universe of cases actually subject to remand the Court will enter an order suggesting remand of those cases to the Panel.

2. Status of Cases for Transfer

Defense counsel has identified 16 cases in which transfer will be appropriate. In seven of these cases transfer has been stipulated to by the parties. Two of the cases involve affirmatively rejected settlement offers. The remaining seven cases are those in which defendants have made repeated settlement offers and have not received any communication from the plaintiffs' attorneys.

The Court agreed that it would entertain a proposed order to show cause as to the 7 cases in which settlement offers remain outstanding and defense counsel has been unable to contact counsel for plaintiffs. Failure to respond to such an order within thirty days will result in the dismissal of those cases for failure to prosecute.

Once defense counsel has identified the universe of cases actually subject to transfer the Court will enter an order transferring those cases back to the districts in which they originated.

3. Remaining Cases

Defense counsel has also identified approximately 21 cases which do not clearly fall into either of the above categories. Defense counsel is in the process of reviewing those cases and plans to reach out to the attorneys representing those plaintiffs to develop a strategy for resolving those matters.

4. Status of Responses to Pro Se Order to Show Cause

Plaintiffs' liaison counsel provided the Court with a spreadsheet listing the responses to the pro se order to show cause that the Court filed on October 11, 2013. (Order to Show Cause Regarding Proposed Pro Se Pls., Oct. 11, 2013, Docket No. 6471.) The responses to the order were due on December 10, 2013.

Plaintiffs' liaison counsel received responses from 83 proposed pro se plaintiffs. Thirty-four indicated that they would like to move forward with their cases, even though their current attorney has indicated a desire to withdraw from representation in the case. Forty-nine agreed that the Court should dismiss their cases. No response was received from the other 217 plaintiffs to whom the order was sent.

The Court requested that Plaintiffs' liaison counsel wait an additional week to allow extra time for potentially late responses, before proceeding with dismissal.

5. Carey Danis & Lowe Cases

Defense counsel reports that through its mutual efforts with Corey Sullivan, the inventory of Carey Danis & Lowe Cases has shrunk substantially. Defense counsel is in the process of evaluating and looking closely at the last 75 cases, and hopes to have reached some kind of resolution by next week.

6. End of MDL Date

Counsel anticipates that the MDL will conclude in February 2014.

Next Status Conference: Thursday, January 16, 2014 11:00AM

APPEARANCES:

Plaintiff: Ronald Goldser
Defendant: Tracy Van Steenburgh
Phone: Thomas Knight

s/Heather Arent-Zachary
Courtroom Deputy Clerk